

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENNETH HIBBLER,)	3:11-cv-00067-LRH-VPC
)	
Plaintiff,)	
)	<u>MINUTES OF THE COURT</u>
v.)	
)	
STATE OF NEVADA, <i>et al.</i> ,)	
)	April 19, 2013
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is plaintiff's "notice of non-compliance by defendants to provide plaintiff with copy of the incident report as ordered by court combined with request for monetary sanctions for damages" (#65/66).¹ Defendant Rexwinkle opposed (#67/68) and plaintiff replied (#69/70).

Plaintiff alleges that defendant failed to comply with the court's order to supply plaintiff with a copy of the Inspector General's "Incident Report" related to the Hibbler-Rexwinkle incident (#65, p. 2). Plaintiff also states that he does not believe defendant's claim that an Inspector General's report was never created for his case. *Id.* Plaintiff requests monetary sanctions in the amount of \$200,000. *Id.*

On November 6, 2012, the court held a telephonic motions hearing, in which the court ordered defendant to send plaintiff a copy of the Inspector General's "Incident Report," and to obtain a declaration from the relevant custodian of records confirming defense counsel's representation that apart from the "Incident Report," the Inspector General's Office prepared no other report related to the Hibbler-Rexwinkle incident (#63, p. 1). The court ordered defense counsel to mail a copy of the "Incident Report" to plaintiff, and to file the custodian of record's declaration by November 16, 2012. *Id.*

¹ Refers to the court's docket numbers.

On November 7, 2012, defendant filed a “notice of disclosure of incident report 2011-NNCC-000165,” in which defense counsel certified that a copy of the “Incident Report” had been mailed to plaintiff (#64, p. 2). Defense counsel also filed the requested declaration from the Inspector General’s Office’s custodian of records, as an attachment. *Id.* at 4-5.

The court finds that defendant Rexwinkle has complied with the court’s order. Plaintiff’s motion has no merit. Accordingly, plaintiff’s “notice of non-compliance by defendants to provide plaintiff with copy of the incident report as ordered by court combined with request for monetary sanctions for damages” (#65/66) is hereby **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____/s/_____
Deputy Clerk